

REMARKS

Reconsideration of the application is respectfully requested.

Claim rejection – 35 U.S.C. §103

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,862,616 (“Tompkins”) in view of U.S. Patent No. 6,832,230 to Zilliacus et al. (“Zilliacus”). In this reply, independent claims 1 and 9 are being amended to further clarify what is being claimed. Support for the amendment can be found at least in paragraph [0023], line 12 to the end of that paragraph.

Tompkins and Zilliacus, alone or in combination, do not disclose or suggest every element claimed in independent claims 1 and 9 as amended and their respective dependent claims. In the previous response, applicants have argued that those references do not disclose or suggest at least, “wherein software from the first server and the different server is dynamically downloaded and used on an as needed basis”. In response, the Examiner cites col. 7, lines 60-67, col. 6, lines 18-67 and col. 2, lines 55-60 of Tompkins as allegedly disclosing that element. In this reply, independent claims 1 and 9 are being amended to clarify that “a functionality” of software can be dynamically downloaded and used on an as needed basis.

While the cited sections of Tompkins refer to JAR file and installing invocation class to start up the SMUI, those sections do not disclose or suggest to dynamically download pieces of software on a needed basis. Rather, Tompkins as understood by applicant describes to install the codes for starting up the SMUI, or other entire software package for a server system. Tompkins, however, does not disclose or suggest, to download code on a piecemeal or needed basis.


Zilliacus is of no help in that respect. That is, while Zilliacus discloses downloading an application with a variable lifetime to a mobile station, Zilliacus does not disclose or suggest to download on a needed basis.

On the other hand, independent claims 1 and 9 as amended recite, "wherein a functionality of software from the first server and the different server is dynamically downloaded and used on an as needed basis."

For at least the above reasons, it is believed that claims 1 and 9, and their respective dependent claims at least by virtue of their dependency are unobvious over Tompkins and Zilliacus.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,


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